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REVIEW OF PRIORITY THEMES

Implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime

Report of the Secretary-General

Addendum

RECOMMENDATIONS OF THE REGIONAL MINISTERIAL WORKSHOP ON FOLLOW-UP TO THE NAPLES POLITICAL DECLARATION AND GLOBAL ACTION PLAN AGAINST ORGANIZED TRANSNATIONAL CRIME, HELD AT BUENOS AIRES FROM 27 TO 30 NOVEMBER 1995

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INTRODUCTION

1. The General Assembly, in its resolution 49/159 of 23 December 1994, approved the Naples Political Declaration and Global Action Plan against Organized Transnational Crime (A/49/748, annex, sect. I.A), adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy from 21 to 23 November 1994, and urged States to implement them as a matter of urgency. The Economic and Social Council, in its resolution 1995/11 of 24 July 1995, requested the Commission on Crime Prevention and Criminal Justice to ensure and monitor their full implementation, and requested the Secretary-General to submit proposals to the Commission for further action to achieve that goal.

2. Pursuant to Assembly resolution 49/159 and Council resolution 1995/11, the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime was convened at Buenos Aires from 27 to 30 November 1995. The Workshop was designed to follow up the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994, and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995. Its aim was to examine ways to strengthen and improve the capacity of the countries of Latin America and the Caribbean to respond to organized transnational crime and to improve the mechanisms of regional and multilateral cooperation to combat it.

I. RECOMMENDATIONS

3. The Regional Ministerial Workshop called for increased technical cooperation, strategic coordination, legislative action and other measures to combat organized transnational crime in all its manifestations. To promote action at both the national and the regional level to achieve those aims, the Workshop adopted by consensus the Buenos Aires Declaration on Prevention and Control of Organized Transnational Crime, which is annexed to the present report.

II. ORGANIZATION OF THE WORKSHOP

A. Opening of the Workshop

4. The Regional Ministerial Workshop was organized and hosted by the Government cooperation with the Crime Prevention and Criminal Justice Division of the Secretariat. address, the Minister of Justice of Argentina welcomed the participants and stressed the ir issues to be dealt with during the Workshop. The Director of the Division made an open behalf of the Secretary-General.

B. Attendance

5. The following States of the region of Latin America and the Caribbean were represent Barbuda, Argentina, Barbados, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, Dor Guatemala, Guyana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Saint Saint Vincent and the Grenadines, Suriname, Uruguay and Venezuela.

6. The Department for Development Support and Management Services, the United Natio Programme and the United Nations International Drug Control Programme were represent

7. The Inter-American Drug Abuse Control Commission of the Organization of America International Criminal Police Organization, an organization having a special arrangement wi and Social Council, also sent observers.

8. The Crime Prevention and Criminal Justice Division served as the secretariat of the W

C. Election of officers

9. The Workshop elected by acclamation the following officers:

Honorary President:	Carlos Rodolfo Barra (Argentina)
Vice-President:	René Blattman Bower (Bolivia)
Executive President:	Elías Jassan (Argentina)
Rapporteur:	K. D. Knight (Jamaica)

D. Adoption of the agenda

10. At its first plenary meeting on 27 November 1995, the Workshop adopted its rules of p following agenda:

1. Election of officers.

2. Adoption of the agenda and organization of work.

3. National experiences in the prevention and control of organized tran legislative and institutional measures.

4. Follow-up to the Naples Political Declaration and Global Action Plan.

5. National and international (including regional and subregional) measures in corruption.

6. Regional problems and collaborative action.

7. Need for future action, including technical cooperation requirements.

8. Conclusions and recommendations.

E. Closure of the Workshop

11. The participants expressed appreciation to the Government and people of Argentina for acting as host to the Workshop, and to the Division for contributing to its success.

Annex

BUENOS AIRES DECLARATION ON PREVENTION AND CONTROL OF ORGANIZED TRANSNATIONAL CRIME*

30 NOVEMBER 1995

We, Ministers and representatives of Ministries of Justice, Security and Interior, or with other equivalent functions of the Latin American and Caribbean countries, attending the Regional Ministerial Workshop on Organized Transnational Crime, held at Buenos Aires, Argentina, from 27 to 30 November 1995, under the auspices of the Ministry of Justice of the Republic of Argentina and the United Nations Crime Prevention and Criminal Justice Branch; having met with the aim to examine ways to strengthen and improve the capacity of our countries to respond to organized transnational crime and to improve the mechanisms of regional and multilateral cooperation to combat it; considering as well the need for an effective regional response to corruption, and taking into account the serious debilitating effects that it produces for democratic institutions and for the maintenance of the rule of law, which are necessary to fight the different manifestations of organized transnational crime;

1. Reaffirm the importance of making progress toward the implementation of the Naples Political Declaration and Global Action Plan against Organized Transnational Crime and the resolutions adopted by the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on this matter;

2. Welcome with satisfaction the Political Declaration of the Fifth Meeting of Iberoamerican Presidents, held at Bariloche, Argentina, in October 1995;

3. Confirm our strong commitment to fight together against any criminal activity of either transnational or national nature, especially organized criminal activities, which might threaten democracy, undermine the legitimacy of governments and institutions, hamper the sustainable development of our peoples and affect their security;

4. Confirm our resolve to undertake the necessary measures, to develop programmes and to review and strengthen our legal systems, regulations and operations, as well as public administration in general and the administration of justice in particular to prevent and control organized transnational crime in its new dimensions and manifestations;

5. Acknowledge the need to adopt a coordinated hemispheric strategy to prevent and punish the laundering of criminal proceeds, including the consideration of an Interamerican convention on this subject;

6. Consider ways to establish a system for the exchange of information, including information on strategies and experiences to prevent organized transnational crime, for which we will seek the collaboration of the United Nations Crime Prevention and Criminal Justice Programme, and other relevant specialized regional and multilateral organizations;

7. Urge States that are not yet parties to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 to ratify or adhere to it without delay and implement it fully, and we recommend to States to incorporate in their legislation rules which reflect the principles contained in the Interamerican Convention on International Trafficking in Minors of 18 March 1994, which was noted in resolution 3/2 of the Commission on Crime Prevention and Criminal Justice, and as appropriate consider to become parties to the above-mentioned Convention. In the meantime, we invite Governments to take all

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necessary measures, in accordance with their respective legislation, to ensure that those engaged in the trafficking in minors are subject to prosecution and sanctions commensurate with the seriousness of this offence. We request the Commission on Crime Prevention and Criminal Justice at its fifth session, when dealing with the issue of international trafficking in minors, to consider the possibility of undertaking a survey with a view to examining the movement of minors from developing to developed countries;

8. Express the interest of our Governments in the advancement of the examination of the advantages of the elaboration of an international convention against organized transnational crime, during the fifth session of the Commission on Crime Prevention and Criminal Justice, and for this purpose we suggest that such a convention include, *inter alia*, the elements contained in Appendix I of the present Declaration;

9. Urge States to adopt, in conformity with their respective Constitutions, effective legislative measures to fight against the different forms of organized transnational crime, with respect for human rights and fundamental freedoms. In addition, we propose to give special attention to strengthening the exchange of information between the competent national authorities for the purpose of judicial proceedings, investigations and criminal statistics;

10. Invite States to undertake the necessary efforts to prevent those involved in organized crime from taking advantage of political asylum or other privileges;

11. Support the initiative of the Government of Italy on the establishment of an international training centre for law enforcement and judicial personnel and we encourage it to ensure that developing countries benefit from this initiative;

12. Request the Commission on Crime Prevention and Criminal Justice to adopt, *inter alia*, the necessary measures to counter the illicit trafficking in arms and explosives, to develop policies on the prevention of juvenile delinquency and to coordinate formulas to prevent the employment of minors in criminal activities by organized transnational crime, and to take the necessary action to counter the illicit traffic in vehicles;

13. Consider of the highest priority strategies and measures intended to promote good governance, transparency and accountability and to prevent, control and suppress corruption, so as to strengthen the capacity of States to confront organized transnational crime, and for this reason, we believe that the matter should receive adequate attention at the resumed 50th session of the General Assembly in 1996 on public administration. We consider that the prevention and control of corruption should be included in the priorities of the United Nations Crime Prevention and Criminal Justice Programme;

14. We will promote the elaboration of integrated proposals to develop regional projects for international cooperation and transfer of technology to prevent and combat organized transnational crime and corruption by the Crime Prevention and Criminal Justice Branch, in cooperation with the Governments of the Latin American and Caribbean region, and when appropriate in cooperation with the Division of Public Administration and Development Support of the United Nations Secretariat;

15. For the purpose of developing this initiative, we recommend to the Governments of the region to study the project documents contained in Appendices II and III* of the present Declaration, which were elaborated by the United Nations Crime Prevention and Criminal Justice Branch, and forward their pertinent comments to the Branch as soon as possible.

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*Appendices II and III of the Buenos Aires Declaration contain regional technical assistance project proposals on action against corruption and action against transnational organized crime, respectively. Because of the length of the documents and the current financial crisis of the United Nations, these project proposals have been omitted. Interested delegations can obtain copies of the project proposals in English and Spanish from the Secretariat.

16. Call upon donor Governments and funding and cooperation agencies, such as UNDP, the World Bank, the Inter-American Development Bank and the Caribbean Development Bank, to give their support to proposals of this nature, as well as to other technical cooperation activities planned and implemented by the Crime Prevention and Criminal Justice Branch, on the basis of requests submitted to it by individual countries or groups of countries of the Latin American and Caribbean region.

17. Urge donor Governments and funding and cooperation agencies to undertake studies and programmes aimed at addressing the socio-economic consequences of the fight against organized transnational crime and to identify alternative income-generating opportunities for those countries so affected.

Appendix I

ELEMENTS FOR INCLUSION IN AN INTERNATIONAL CONVENTION AGAINST ORGANIZED TRANSNATIONAL CRIME*

(a) Definitions as required for the purposes of the convention;

(b) The commitment to the development of both substantive and procedural national legislation against transnational criminal organizations and their activities, in convergence with the legislation of other States;

(c) Intensification of cooperation against transnational criminal activities, simplification of procedures and the implementation on a larger scale of existing agreements at the regional level;

(d) Identification, freezing and forfeiture of proceeds of crime and the development of legislative and regulatory measures, as well as administrative regulations, to make the commercial and financial sectors transparent and accountable;

(e) The provision of mutual assistance between States parties to the convention, according to the principles of the Model Treaty on Mutual Assistance in Criminal Matters (together with its Optional Protocol concerning the proceeds of crime) and the Model Treaty on the Transfer of Proceedings in Criminal Matters;

(f) Obligations concerning extradition of persons prosecuted, convicted or sentenced for crimes linked with activities of organized transnational crime, according to the principles of the Model Treaty on Extradition;

(g) The development of uniform techniques of investigation and prosecution against transnational criminal organizations, including more sophisticated means for gathering information, collecting evidence, analysing financial flows, investigating suspicious transactions, and setting up specialized national investigative units to deal specifically with organized transnational crime;

(h) The strengthening of the exchange of information in order to assist other States in the investigation and adjudication of persons engaged in transnational organized crime;

(i) The strengthening of technical assistance and the exchange of expertise, with a view to reinforcing national criminal justice systems;

(j) Mechanisms and means of monitoring and evaluating the full implementation of the convention.

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